

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DIEUSEUL JEAN,

Petitioner,

v.

JUAN MATTOS, JR.,

Respondents.

Civil Action No. 13-5346 (KSH)

ORDER

Katharine S. Hayden, U.S.D.J.:

1. On September 9, 2013, the clerk entered on the docket a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2241, filed by Dieuseul Jean. Jean seeks review of the order of U.S. Magistrate Judge Mark Falk granting extradition of Jean to Canada. *See In re Extradition of Dieuseul Jean*, Civ. No. 13-mj-3588, ECF No. 16 (order entered Aug. 22, 2013).

2. The government had advised this Court that “the Secretary of State will not proceed with the deliberative process as to extradition and surrender while a habeas corpus litigation is ongoing before the district court.” (Letter dated Sept. 6, 2013, ECF No. 18, in Civ. No. 13-mj-3588.)

3. Further, the government represents that “the Foreign Affairs Manual specifically provides [] ‘if a fugitive seeks judicial review of the extradition judge’s finding of extraditability, the Department suspends its final review of the case.’” (Letter dated Sept. 18, 2013, ECF No. 2.)

4. The Court is therefore satisfied that Jean will remain in this Court’s jurisdiction until the Court rules on his § 2241 application.

Good cause appearing, IT IS on this 19th day of September, 2013,

ORDERED that the clerk shall serve the petition and this order by certified mail, return receipt requested, upon respondent, United States Marshal Juan Mattos, Jr., 50 Walnut Street, Room 2009, Newark, NJ 07102, and shall docket the mailing date and certified number; and it is further

ORDERED that, within 30 days of the date of the entry of this order, Jean shall file a brief in support of the petition;

ORDERED that, within 30 days of service of the Jean's brief, the respondent shall file its opposition; and it is further

ORDERED that, within 10 days of receipt of the opposition, Jean shall file a reply.

/s/ Katharine S. Hayden

KATHARINE S. HAYDEN, U.S.D.J.